

ARTER & HADDEN
ATTORNEYS AT LAW

founded 1843

Austin
Cleveland
Columbus
Dallas
Dayton
Irvine
Los Angeles
Sacramento



1801 K Street, N.W., Suite 400K
Washington, D.C. 20006-1301

telephone 202.775.7100
facsimile 202.857.0172

San Antonio
San Diego
San Francisco
Washington, D.C.
Woodland Hills
Affiliated Offices
Brussels, Belgium
Geneva, Switzerland

Pct
JEROLD I. SCHNEIDER
Direct Dial 202-775-4470
jschneid@arterhadden.com

June 12, 2000

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

ATT: PCT Legal Office

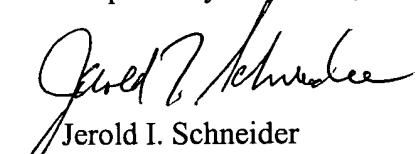
In re Application of: HICKS et al
USA Application No: 09/230275
International App. No PCT/US97/13321
IA Filing Date: 23 July 1997
Priority Date: 24 July 1996
For: Cholesterol Separation and
Fluorescent Analysis

Sir:

Submitted herewith is a **RENEWED PETITION UNDER 37 CFR 1.181**, together with supporting exhibits 1-8.

Pursuant to the Decision on Petition to Withdraw Notice of Abandonment mailed May 22, 2000, no petition fee is required. Furthermore, since this Renewed Petition is filed within two months, no extension fee is required.

Respectfully submitted,



Jerold I. Schneider
Registration No. 24,765
Attorney for Applicants

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **HICKS et al**

USA Application No: **09/230275**

International App. No **PCT/US97/13321**

IA Filing Date: **23 July 1997**

Priority Date: **24 July 1996**

For: **Cholesterol Separation and Fluorescent Analysis**

**RENEWED PETITION UNDER 37 CFR 1.181
TO WITHDRAW
NOTIFICATION OF ABANDONMENT**

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

ATT: PCT Legal Office

Sir:

This is a Renewed Petition Under 37 CFR 1.181 to Withdraw the Notification of Abandonment. A "Decision on Petition" was mailed May 22, 2000. This "Renewed Petition" is filed within two months and is thus timely without any extension fee. Based on the following, reconsideration on the merits is solicited.

FACTS

In the Decision on Petition mailed May 22, 2000, the Office correctly noted that copies of docket records where the nonreceived Office communication would have been entered had it been received and docketed, were not provided. The following is now provided.

1. Docket Sheet dated 16 October 1998 indicating (albeit incorrectly) a filing deadline of 21 October 1998;

2. Docket Sheet dated 26 January 1999 indicating that the application was filed 22 January 1999 and docketing reminder dates for Serial Number postcard, receipt of the OFR (official filing receipt) and IDS (information disclosure statement) due date;
3. Docket sheet dated 4 February 1999, indicating that a serial number had been assigned (09/230275) (note "postcard S.N. received 1/28/99 in the 'remarks' section) and retaining the reminder dates for receipt of the OFR (official filing receipt) and IDS (information disclosure statement) due date;
4. Docket sheet dated 3 June 1999, indicating the change of address filed June 2, 1999 (see 'remarks' section) and a status check for 22 April, 2000. (Note, the docketing system had dropped the prior two dates for OFR and IDS as those dates had passed and were not considered statutory dates.)
5. Docket sheet dated 10/29/99 (processed after my arrival at new law firm) based on docket clerk review of file which indicated a [Paris] Convention deadline of 1/22/00 and a status check set for 7/22/00.
6. Docket sheet dated 3/8/00 merely indicating a change in the internal client identification at Arter & Hadden,LLP, specifically, the data in the box "A&HCM".
7. Docket sheet dated 4/22/00 indicating docketing of the Notification of Abandonment (mailed 3/2/00).
8. Docket sheet dated 5/25/00 indicating that the Petition to Withdraw the holding of abandonment was denied.

DISCUSSION

Copies of the docket sheets, identified in the lower right hand corner by numerals 1-8 corresponding to the above list, are attached. The file does not include any other docket sheets.

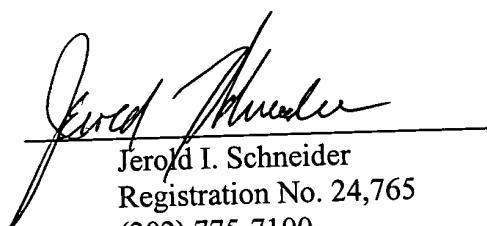
As a practitioner registered to practice before the United States Patent and Trademark Office, I hereby certify the accuracy of all the foregoing statements, and the accuracy of the copies of the docket sheets.

It is submitted that the remaining requirement of 711.03(c), M.P.E.P. and 1156 O.G. 53 (November 16, 1993) as set forth in the Decision on Petition mailed May 22, 2000, have been complied with, and all requirements to establish non-receipt of an Office action have been met. Thus, it is submitted that applicant has established that there was non-receipt of the Office action (Notification of Missing Requirements).

Based upon the foregoing and the information submitted with the initial petition, withdrawal of the Notice of Abandonment is solicited.

Respectfully submitted,

June 13, 2000



Jerold I. Schneider
Registration No. 24,765
(202) 775-7100
Attorney for Applicants

272763

Country Applications

16-Oct-98

Docket Number: 5093

Country: US

SubCase: 00

Client: Helena Laboratories Corp.

United States of America

Matter:

CPA: No

Case Type: ORD

Application Status: Unfiled

Application Number:

Filing Date:

Patent Number:

Issue Date:

Publication Number:

Publication Date:

Tax Schedule: LE

Expiration Date:

Agent:

Agent Reference Number:

Title: Cholesterol Separation and Fluorescent Analysis

Docket Number: 5093 US 00

Action(s) Due

Due Date

Indicator

Action Taken

Response Sent

Application Filing Deadline

21-Oct-1998

DueDate

Remarks: PCT application 9713321 is based on U.S. Provisional Appl. No. 60/022354, Filed 7/23/96;

UserID: Quandetta

Date Created: 10/16/98

Last Update:

10/16/98

1

Country Applications

26-Jan-99

Docket Number:	5093	Country:	US	SubCase:	00
Client:	Helena Laboratories Corp.		United States of America		
Matter:			CPA:	No	
Case Type:	ORD	Application Status:	Pending		
Application Number:			Filing Date:	22-Jan-1999	
Patent Number:			Issue Date:		
Publication Number:			Publication Date:		
Tax Schedule:	LE	Expiration Date:			
Agent:			Agent Reference Number:		
Title: Cholesterol Separation and Fluorescent Analysis					

Docket Number: 5093 US 00

Action(s) Due	Due Date	Indicator	Action Taken	Response Sent
Serial Number Postcard	22-Feb-1999	Reminder	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Receipt of OFR	22-Mar-1999	Reminder	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IDS Due	22-Apr-1999	Reminder	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks: PCT application 9713321 is based on U.S. Provisional Appl. No. 60/022354, Filed 7/23/96;

UserID: Quandetta Date Created: 10/16/98 Last Update: 1/26/99

2

Country Applications

04-Feb-99

Docket Number: 5093

Country: US

SubCase: 00

Client: Helena Laboratories Corp.

United States of America

Matter:

CPA: No

Case Type: ORD

Application Status: Pending

Application Number: 09/230275

Filing Date: 22-Jan-1999

Patent Number:

Issue Date:

Publication Number:

Publication Date:

Tax Schedule: LE

Expiration Date:

Agent:

Agent Reference Number:

Title: Cholesterol Separation and Fluorescent Analysis

Docket Number: 5093 US 00

Action(s) Due	Due Date	Indicator	Action Taken	Response Sent
Receipt of OFR	22-Mar-1999	Reminder	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IDS Due	22-Apr-1999	Reminder	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks: PCT application 9713321 is based on U.S. Provisional Appl. No. 60/022354, Filed 7/23/96; Postcard S.N. received 1/28/99

UserID: Ana Reyes

Date Created: 10/16/98

Last Update: 2/1/99

3

Country Applications

03-Jun-99

Docket Number:	5093	Country:	US	SubCase:	00
Client:	Helena Laboratories Corp. United States of America				
Matter:	CPA: No				
Case Type:	ORD	Application Status:	Pending		
Application Number:	09/230275	Filing Date:	22-Jan-1999		
Patent Number:	Issue Date:				
Publication Number:	Publication Date:				
Tax Schedule:	LE	Expiration Date:			
Agent:	Agent Reference Number:				
Title: Cholesterol Separation and Fluorescent Analysis					
Docket Number: 5093 US 00					
Action(s) Due	Due Date	Indicator	Action Taken	Response Sent	
@Status Check	22-Apr-2000	Reminder	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Remarks:	PCT application 9713321 is based on U.S. Provisional Appl. No. 60/022354, Filed 7/23/96; Postcard S.N. received 1/28/99; Filed change of address 6/2/99;				
UserID:	Ana Reyes	Date Created:	10/16/98	Last Update:	6/3/99

4

OPER	CBK	ENTERED	10/29/99	MODIFIED	10/29/99	ATTORNEYS	JSO / NAS	AS	PRINTED ON:	10/29/99
A&HCM#	5093.00	CNTRY	US	UNITED STATES		NEW/CON	NEW	RELATED		
PATS#	P62243US0	TYPE	UTL	SERIAL#	09/230,275	PATENT#		STAT	PENDING	
TITLE CHOLESTEROL SEPARATION AND FLUORESCENT ANALYSIS										
CLIENT	00001/ Helena Laboratories Corp	1	CREF		SE	NO	ART#			
AGENT			AREF		CLAIMS		LOC			
PRIOR		MAIL	FILE	1/22/99	PUBL	ISSUE	EXP	1/22/19	1ST	1/22/99

ID	O	ACTION	BASE	DU IN	DU E	EXTNS	FINAL	EXT	RESPONSE	CALL	1	2	P
CE	N	CONVENTION ENDS		1/22/99	12M	1/22/00		1/22/00	0		2M	Y	Y
SC	N	STATUS CHECK		1/22/99	18M	7/22/00	0	7/22/00	0		1M	Y	Y

INVENTORS

GUADAGNO, Philip A.

NOTES

BASED OFF PCT APPLICATION 97/13321 7/23/97 (???)

5

OPER	CBK	ENTERED	10/29/99	MODIFIED	2/8/00	ATTORNEYS	JSO	/	NAS	/	NAS	PRINTED ON:	3/8/00			
A&HCM	74712/98807E	CNTRY	US	UNITED STATES		NEW/CON	NEW	RELATED								
PATS#	P62243US0	TYPE	UTL	SERIAL# 09/230,275		PATENT#		STAT PENDING				ART#				
TITLE	CHOLESTEROL SEPARATION AND FLUORESCENT ANALYSIS											LOC WDC				
CLIENT	74712/	Helena Laboratories Corp		1	CREF	5093.00	SE	NO	CLAIMS				PBL#			
AGENT					AREF											
PRIOR			MAIL	FILE	1/22/99	PUBL			ISSUE	EXP		1/22/19	1ST	1/22/99		

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL	1	2	P
CE	Y	CONVENTION ENDS		1/22/99									
SC	N	STATUS CHECK		1/22/99	18M	7/22/00	0	7/22/00	0	1M	Y	Y	Y

INVENTORS

GUADAGNO, Philip A.

NOTES

BASED OFF PCT APPLICATION 97/13321 7/23/97 (???)

6

OPER	SJP	ENTERED	4/22/00	MODIFIED	4/22/00	ATTORNEYS	JSO / NAS	NAS	PRINTED ON:	4/22/00	
A&HCM	98807/P62255US1	CNTRY	US	UNITED STATES		NEW/CON	DCA	RELATED	98807/P62255WO0		
PATS#	P62255US1	TYPE	UTL	SERIAL#	09/230,275.	PATENT#		STAT	PENDING		
TITLE	CHOLESTEROL SEPARATION AND FLUORESCENT ANALYSIS							ART#			
CLIENT	74712	HELENA LABORATORIES CORPORATION		1	CREF		SE	NO	LOC	WDC	
AGENT					AREF		CLAIMS		PBL#		
PRIOR	7/24/96	MAIL		FILE	1/22/99	PUBL	ISSUE	EXP	7/23/17	1ST	7/23/97

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL	1	2	P
NO	Y	NOT OF ABANDON DTD	3/2/00										
WA	Y	PETITION W/DRW ABAN.	3/30/00										
SO	N	SC-ABANDON W/DRAWN?	3/30/00	2M	5/30/00	41	9/30/00	0		0M	Y	Y	Y

INVENTORS	ASSIGNEES
GUADAGNO, Philip A.	HELENA LABORATORIES CORPORATION

PRIOR APPLICATIONS											
REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTIO				TYPE			
98807/P62255WO0	WO	PCT/US97/13321	7/23/97	CHOLESTEROL SEPARATION AND FLUORESCENT ANALYSIS				APPL			

7

OPER	SJP	ENTERED	04/22/2000	MODIFIED	05/25/2000	ATTORNEYS	JSO / NAS / NAS	PRINTED ON:	05/25/2000		
A&HCM	98807/P62255US1	CNTRY	US	UNITED STATES		NEW/CON	DCP	RELATED	98807/P62255WO0		
PATS#	P62255US1	TYPE	UTL	SERIAL#	09/230,275	PATENT#		STAT	PENDING		
TITLE	CHOLESTEROL SEPARATION AND FLUORESCENT ANALYSIS							ART#			
CLIENT	74712	HELENA LABORATORIES CORPORATION		1	CREF		SE	NO	LOC	WDC	
AGENT					AREF		CLAIMS		PBL#		
PRIOR	07/24/1996	MAIL		FILE	01/22/1999	PUBL	ISSUE	EXP	07/23/2017	1ST	07/23/1997

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL	1	2	P
NO	Y	NOT OF ABANDON DTD	03/02/2000										
WA	Y	PETITION W/DRW ABAN.	03/30/2000										
SO	N	SC-ABANDON W/DRAWN?	03/30/2000	2M	05/30/2000	41	09/30/2000	0	05/22/2000	0M	Y	Y	Y
PETITION DISMISSED W/O PREJUDICE APPLICATION STANDS ABANDONED.													
CO	N	CU-REQ RECONSID 7/22	05/22/2000	1M	06/22/2000		06/22/2000	0		0M	Y	Y	Y
RQ	N	REQ RECONSIDERATION	05/22/2000	2M	07/22/2000		07/22/2000	0		1M	Y	Y	Y

INVENTORS	ASSIGNEES
GUADAGNO, Philip A.	HELENA LABORATORIES CORPORATION

PRIOR APPLICATIONS												
REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTIO				TYPE				
98807/P62255WO0	WO	PCT/US97/13321	07/23/1997	CHOLESTEROL SEPARATION AND FLUORESCENT ANALYSIS				APPL				

8